

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST
FOR REVIEW BY:

MICKELE CAMPBELL

Petitioner.

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CHARGE NO.: 2009CN0797
EEOC NO.: N/A
ALS NO.: 10-0085

ORDER

This matter coming before the Commission by a panel of three, Commissioners David Chang, Marylee V. Freeman, and Charles E. Box presiding, upon Mickle Campbell's ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Department of Human Rights ("Respondent")¹ of Charge 2009CN0797; and the Commission having reviewed all pleadings filed in accordance with 56 Ill. Admin. Code, Ch. XI, Subpt. D, § 5300.400, and the Commission being fully advised upon the premises;

NOW, WHEREFORE, it is hereby **ORDERED** that the Respondent's dismissal of the Petitioner's charge is **SUSTAINED** on the following ground:

EXPIRATION OF TIME TO FILE COMPLAINT

In support of which determination the Commission states the following:

1. The Petitioner filed a charge of discrimination with the Respondent on September 18, 2008. The Petitioner alleged that Illinois Central School Bus Service ("Illinois Central") failed to hire him because of his arrest record, in violation of Section 2-103(A) of the Illinois Human Rights Act ("Act").
2. Pursuant to Section 7A-102(G)(1) of the Act the Respondent had 365 days, or until September 18, 2009, to complete its investigation of the Petitioner's charge. The Respondent did not complete its investigation of the Petitioner's charge by September 18, 2009.
3. Thereafter, pursuant to Section 7A-102(G)(2) of the Act, the Petitioner had 90 days, or until December 18, 2009, to file his own complaint either with the Commission or with the circuit court. The Petitioner was required to serve the Respondent with notice of his complaint.

¹ In a Request for Review Proceeding, the Illinois Department of Human Rights is the "Respondent." The party to the underlying charge requesting review of the Department's action shall be referred to as the "Petitioner."

4. The Respondent did not receive notice that the Petitioner had filed a complaint either with the Commission or with the circuit court. Therefore, on December 30, 2009, the Respondent dismissed the Petitioner's charge because the Respondent's time period to investigate the charge had expired and the Petitioner had not filed a timely complaint.
5. On January 28, 2010, the Petitioner filed a timely Request. In his Request, the Petitioner argues that he ... "[s]ent request in writing before expiration." The Petitioner does not explain the nature of his alleged request, nor does he submit any further argument or evidence.
- 6 In its Response, the Respondent asks the Commission to sustain its dismissal of the Petitioner's charge because the Respondent was mandated to dismiss the Petitioner's charge pursuant to Section 7A-102(G)(3) of the Act, which provides:

If an aggrieved party files a complaint with the Human Rights Commission or commences a civil action in circuit court pursuant to paragraph (2) of this subsection, or if the time period for filing a complaint has expired, the [Respondent] shall immediately cease its investigation and dismiss the charge of civil rights violation.

775 ILCS 5/7A-102(G)(3)

Conclusion

The Commission concludes that the Respondent properly dismissed the Petitioner's charge.

Pursuant to Section 7A-102(G)(3) of the Act, once the Petitioner's time to file a complaint with either the Commission or the circuit court had expired, the Respondent was required to immediately cease its investigation of the Petitioner's charge and dismiss the charge.

The Respondent determined that the Petitioner's time to file a complaint had expired on December 18, 2009. The Petitioner has not submitted any evidence from which the Commission could conclude that the Respondent's determination was erroneous.

Accordingly, it is the Commission's decision that the Petitioner has not presented any evidence to show the Respondent's dismissal of his charge was not in accordance with the Act. The Petitioner's Request is not persuasive.

THEREFORE, IT IS HEREBY ORDERED THAT:

The dismissal of the Petitioner's charge is hereby **SUSTAINED**.

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In the Matter of the Request for Review by: Mickele Campbell

This is a final Order. A final Order may be appealed to the Appellate Court by filing a petition for review, naming the Illinois Human Rights Commission, the Illinois Department of Human Rights, and Illinois Central School Bus Service, as Respondents, with the Clerk of the Appellate Court within 35 days after the date of service of this Order.

STATE OF ILLINOIS

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Entered this 8th day of September 2010.

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HUMAN RIGHTS COMMISSION

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Commissioner David Chang

Commissioner Marylee V. Freeman

Commissioner Charles E. Box